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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SVB FINANCIAL GROUP,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for
Silicon Valley Bank and Silicon
Valley Bridge Bank, N.A.,

Defendant.

Case No.: 5:24-cv-01321-BLF

**JOINT STIPULATION PURSUANT TO
CIVIL LOCAL RULE 7-11(A) AND 7-12
TO EXTEND BRIEFING SCHEDULE ON
FDIC-R'S MOTION TO DISMISS AND
TO CONTINUE HEARING DATE**

The Honorable Beth Labson Freeman

Pursuant to Civil Local Rules 7-11(a) and 7-12, Plaintiff SVB Financial Group (“SVBFG”) and Defendants the Federal Deposit Insurance Corporation, as Receiver for Silicon Valley Bank (“FDIC-R1”) and Silicon Valley Bridge Bank, N.A. (“FDIC-R2”) (together with FDIC-R1, “FDIC-R”), submit this Joint Stipulation.

WHEREAS, on May 10, 2024, FDIC-R filed its Motion to Dismiss (Dkt No. 33), which the Court has set for hearing on September 5, 2024;

WHEREAS, the September 5, 2024 hearing date on the Motion to Dismiss conflicts with a pre-existing obligation of SVBFG’s lead counsel, Robert A. Sacks;

WHEREAS, the parties understand that the Court’s next available hearing date is October 10, 2024;

WHEREAS, SVBFG requests, and FDIC-R does not oppose, that the Court continue the hearing on the Motion to Dismiss from September 5, 2024 to October 10, 2024;

WHEREAS, SVBFG requests, and FDIC-R does not oppose, resetting the current briefing deadlines on FDIC-R’s Motion to Dismiss, such that SVBFG’s Motion to Dismiss opposition brief will be due on August 12, 2024 (instead of the current deadline of May 24, 2024) and FDIC-R’s reply brief will be due on September 26, 2024 (instead of the current deadline of May 31, 2024);

WHEREAS, the requested briefing schedule complies with the Court’s Standing Order re Civil Cases No. IV.B;¹

AND WHEREAS, no other dates will be affected by this Stipulation, nor shall this Stipulation prejudice any party’s rights or positions in this action.

NOW THEREFORE, the undersigned parties respectfully request that the Court enter an order resetting the briefing schedule and continuing the hearing date on FDIC-R’s Motion to Dismiss as follows:

1. SVBFG’s opposition to FDIC-R’s Motion to Dismiss shall be due on August 12, 2024;

¹ There have been no prior time modifications in this case.

2. FDIC-R's reply in support of its Motion to Dismiss shall be due on September 26, 2024;
3. The hearing on FDIC-R's Motion to Dismiss shall be continued from September 5, 2024 to October 10, 2024 at 9:00 a.m., or to the Court's next available hearing date thereafter;
4. **Alternatively**, if the Court does not agree to continue the hearing on the Motion to Dismiss, SVBFG's opposition to FDIC-R's Motion to Dismiss shall be due on July 18, 2024 and FDIC-R's reply in support of its Motion to Dismiss shall be due on August 22, 2024.

[Remainder of page intentionally left blank.]

IT IS SO STIPULATED.

Dated: May 23, 2024

/s/ Robert A. Sacks

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Attestation Pursuant to Civil Local Rule 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: May 23, 2024

/s/ Robert A. Sacks

Robert A. Sacks